



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,580	02/06/2002	Joseph J. DiBiase	29020/107A	8275

7590 02/02/2006
MARSHALL, GERSTEIN & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6357

EXAMINER

KATCHEVES, BASIL S

ART UNIT PAPER NUMBER

3635

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,580

Applicant(s)

DIBIASE ET AL.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-62,64,66,79 and 80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-62,64,66,79 and 80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/12/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Applicant has canceled claims 1-56, 63, 65 and 67-78. Pending claims 57-62, 64, 66, 79 and 80 are examined below.

Claim Rejections - 35 USC § 102

Claims 57, 58, 64, 66 and 79 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,805,523 to Burke et al. as in the previous office action.

Regarding claim 79, Burke discloses a bumper for stopping a vehicle (fig. 4). Burke also discloses the bumper as having a first contact surface (fig. 5: 46) and a second contact surface (fig. 5: 53) spaced further outward than the first contact surface. In addition, applicant should note that the vehicle is not a claimed part of the invention. Limitations regarding the orientation of the vehicle toward the bumper are inherently met by the prior art as capable of engaging a vehicle when undesirably positioned. The applicant should also note that a vehicle may have a geometry which allows the bumper to pass over component (40) and directly contact component (46).

Regarding claim 57, Burke discloses the second contact surface (fig. 6: 53) as being spaced laterally greater than the first contact surface (fig. 5: 46).

Regarding claim 58, Burke discloses the first contact surface as spaced higher than the second.

Regarding claim 64, Burke discloses the second contact surface as having a visual reference, since it can be seen by the eye.

Regarding claim 66, Burke discloses the first contact surface (fig. 5:46) and the second contact surface (fig. 6: 53) as being generally perpendicular to the direction of vehicle movement.

Claim Rejections - 35 USC § 103

Claims 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,805,523 to Burke et al. in view of U.S. Patent No. 5,586,355 to Metz et al.

Regarding claims 59-62, Burke does not disclose a position responsive sensor on the loading dock bumper. Metz discloses a sensor for mounting on the underside of a loading dock leveler (abstract) which may be mechanical, proximity, or photoelectrically activated (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Burke by using the sensor disclosed by Metz on the bumper to warn of a collision.

Claims 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,805,523 to Burke et al.

Regarding claim 80, Burke discloses a bumper for stopping a vehicle (fig. 4). Burke also discloses the bumper as having a first contact surface (fig. 5: 46) and a

Art Unit: 3635

second contact surface (fig. 5: 53) spaced further outward than the first contact surface. In addition, applicant should note that the vehicle is not a claimed part of the invention. Limitations regarding the orientation of the vehicle toward the bumper are inherently met by the prior art as capable of engaging a vehicle when undesirably positioned. The applicant should also note that a vehicle may have a geometry which allows the bumper to pass over component (40) and directly contact component (46). It would be obvious to add additional bumpers symmetrically around the vehicles to provide even protection around the vehicle.

Response to Arguments

Applicant's arguments filed 11/25/05 have been fully considered but they are not persuasive. Applicant argues the function of the claimed bumper. However, the applicant should note that the independent claim 79 is drawn only to a bumper. The applicant argues that the prior art does not perform in the manner as claimed by the applicant. Applicant should note that in claim 80, directed to a method of positioning a vehicle, only the method of positioning the vehicle is claimed, not the vehicle or the loading dock. The applicant should consider that the prior art may inherently perform in the manner claimed by the applicant depending upon the geometry of the vehicle used. If a vehicle has a bumper taller than the height of the second surface, the vehicle will come in contact with the first surface only, as claimed. Again, these are functional limitations added to some components which are not claimed, such as the vehicle and

Art Unit: 3635

loading dock. Claim 79 is drawn only to a mounted bumper, the bumper having few structural limitations. Claim 80, drawn to a method of directing a vehicle also contains few limitations regarding the actual direction of a vehicle. The applicant must be more specific regarding the components claimed and the structural limitations of those components in order to obviate the prior art. Applicant must also note that the lateral orientation of the bumper is not claimed with respect to other structures and therefore, the prior art of Burke may be used, since it is capable of positioning in different orientations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3635

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK 

1/26/06


Carl D. Friedman
Supervisory Patent Examiner
Group 3600